

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/NO2005/000116	International filing date (day/month/year) 08-04-2005	Priority date (day/month/year) 15-04-2004
International Patent Classification (IPC) or national classification and IPC See Supplemental Box		
Applicant Johnsen, Oddvard		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
 - a. ☐ (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:
 - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input checked="" type="checkbox"/> | Box No. VIII | Certain observations on the international application |

Date of submission of the demand 11-11-2005	Date of completion of this report 20-06-2006
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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: Cover sheet

International patent classification (IPC)

B60T 8/176 (2006.01)

B64C 25/46 (2006.01)

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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Box No. I Basis of the report

1. With regard to the **language**, this report is based on:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into _____ ,
which is the language of a translation furnished for the purposes of:
- ☐ international search (Rules 12.3(a) and 23.1(b))
- ☐ publication of the international application (Rule 12.4(a))
- ☐ international preliminary examination (Rules 55.2(a) and/or 55.3(a))

2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☒ the international application as originally filed/furnished
- ☐ the description:
- pages _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ the claims:
- pages _____ as originally filed/furnished
- pages* _____ as amended (together with any statement) under Article 19
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ the drawings:
- pages _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/NO2005/000116

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>2-3</u>	YES
	Claims	<u>1, 4-6</u>	NO
Inventive step (IS)	Claims	<u>2-3</u>	YES
	Claims	<u>1, 4-6</u>	NO
Industrial applicability (IA)	Claims	<u>1-6</u>	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

Reference is made to the following document:

D1: EP 0 895 929 A2

D1 is considered to be the closest prior art. It describes a brake control system for a wheel of a vehicle in motion comprising a registration unit for longitudinal acceleration, a registration unit for brake pressure to wheel brake, a computation function which continuously compare changes in acceleration and transmits signals to a pressure regulator for brake pressure and a pressure regulator designed to increase or reduce brake pressure to the wheel brake.

Subject matter claimed in claim 1 is not considered to differ from what is shown in D1. The claim therefore lacks novelty.

At this stage the applicants attention is drawn to Article 35 of the PCT. This article states that the written opinion of the IPEA as well as that of the ISA (according to Rule 43 *bis*) shall state whether the claims appears to satisfy the criteria of novelty, inventive step and industrial applicability. Both opinions hence pertain to the claims of the international application. The claims do not necessarily correspond with the invention.

In this case it is the opinion of the IPEA that claim 1 is anticipated by the prior art. Claim 1 is drafted in very general terms and needs to be redrafted in more particular terms in order to be allowed. Claim 2 on the other hand describes the invention in a more concordant manner and is therefore allowed.

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Independent claim 1 is not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate. Those features known from the prior art (document D1) being placed in the preamble (Rule 6.3(b)(i) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).

In the present case, the following features are known from document D1 and belong in the preamble of such a claim:

A brake control system for the optimal control of the braking of an aircraft. The system compares acceleration values over time to assess whether the acceleration is optimal and regulates the vehicle brakes accordingly.

Independent claim 1 should therefore be redrafted accordingly. If, however, the applicant is of the opinion that the two-part form would be inappropriate, then reasons therefore should be provided in the letter of reply. In addition, the applicant should ensure that it is clear from the description which features of the subject-matter of claim 1 is already known from said document (see the PCT Guidelines; III-2.3a).

Dependent claims 4, 5 and 6 are all directed to both a system and a method. This is not allowable. A claim cannot be directed to two separate inventions. The applicant is therefore asked to amend the claims so that only one invention is contained within one claim.

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: V

The system described in claims 4-6 is considered to involve particular detail executions obvious to a person skilled in the art. Therefore, the invention according to these claims is not considered to involve an inventive step.

As stated above, the invention according to claims 2-3 is considered to have novelty as well as inventive step.

All claims are considered to be industrially applicable.